UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.   CRIMINAL ACTION NO. 2:05-00228

MICHAEL LEE CARR

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On June 8, 2020, the United States of America appeared by Kathleen Robeson, Assistant United States Attorney, and the defendant, Michael Lee Carr, appeared in person and by his counsel, Andrew J. Katz, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a two-year term of supervised release in this action on October 7, 2016, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on April 8, 2016.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed violations of law in that he was found to be in possession of 1 gram of methamphetamine as well as syringe on February 18, 2017; (2) the defendant used and possessed methamphetamine on November 15, 2016, having admitted his use to the probation officer; (3) the defendant failed to submit written monthly reports for the months of February, March, and April of 2017; (4) the defendant left his place of employment in mid-January, 2017, and failed to notify the probation officer of the change in employment; (5) the defendant failed to notify the probation officer within seventy-two hours of his arrest on February 18, 2017, and as of the date of the filing of the petition on April 13, 2017, had not reported the arrest to the probation officer; (6) on November 22, 2016, the defendant was directed to attend one counseling session per week and failed to attend any counseling sessions from that date until he went into custody on April 18, 2017, except for two in December of 2016 and two in January of 2017; (7) the defendant was directed to submit four urine samples per month but only submitted five urine samples during the months of November and December 2016

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and January 2017 and none otherwise until the time he went into custody on April 18, 2017; and (8) the defendant committed violations of law in that in early 2017 the defendant was found in possession of a cellular telephone while an inmate in Prunytown, West Virginia, and on November 13, 2017, he pled guilty to the indictment and remained in custody for the offense and his parole violation until February 8, 2020; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.
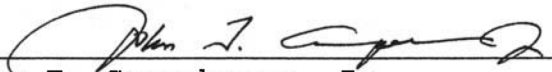
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the

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defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FIVE (5) MONTHS, with no further term of supervised released imposed.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: June 8, 2020

John T. Copenhaver, Jr.
Senior United States District Judge

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